



Sacramento County District Attorney's Office

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“Non-Violent Second-Striker” Early Prison Releases: AUGUST 2016 Update

In January 2015, the Department of Corrections and Rehabilitation (CDCR) began a new parole determination process, evaluating “non-violent second-strikers” for early parole. If early release is granted, they are released after serving only 50% of their sentences. Under existing law, they would otherwise have to serve 80% of their sentences before being eligible for parole.

Upon receipt of inmate names from CDCR with a recommendation for release, the Board of Parole Hearings [BPH] conducts an administrative review to determine if the inmate should be released early from prison as a ‘non-violent second-striker.’ BPH forwards the names of these eligible inmates to District Attorneys’ offices and invites input in making their determination about the inmate’s potential early release. Unlike parole hearings, where the prosecution, defense attorney and victim may appear, there is no public hearing for these administrative reviews. Rather, the decision is made purely by CDCR administrative staff. Additionally, prior to consideration for early release, no evidence-based “risk assessment” is conducted to determine if the inmate poses a danger to the public.

The Sacramento County District Attorney’s Office takes an active role in evaluating these cases and writes letters to the Board with an overview of the inmate’s criminal history and current commitment offense, an opinion regarding the public safety risk posed by the inmate, and the appropriateness of an offender’s early release. The Board determines whether an offender would pose an unreasonable risk to public safety based on their prior criminal history, facts behind their current commitment offense, behavior in prison, rehabilitation efforts, whether the inmate has any medical condition which might affect his ability to re-offend, and written statements.

In November 2015, the Sacramento County District Attorney’s Office began posting on its website information about “non-violent second-strike” offenders who have been granted early release from prison.

As of August 31, 2016, 153 inmates sentenced from Sacramento County have been granted early prison releases. Given the number of violent offenders who continue to be granted early release, DA Anne Marie Schubert began monthly updates to provide the public with a sampling of the noteworthy criminals who appear to pose a risk to public safety, but are being granted early release into our community as ‘non-violent second-strikers.’

In the month of August 2016, inmates granted early prison release include:

Gordon Rorrer (Case #14F05816) – A few days after one of Rorrer’s victims obtained a restraining order against him, Rorrer went to the victim’s home, kicked in her back door and forced his way into her residence. As the victim tried to call 911, Rorrer threw her to the floor, dragged her by the hair, kicked her multiple times in the back, and broke the phone so she could not call for help. That attack occurred in February of 2005. The following month, Rorrer

committed two residential burglaries. In each of them, he stole considerable property, including jewelry. His female burglary victim reported feeling violated and compared it to a form of rape. His other burglary victim, a male, said his victimization had “stressed him out, causing him to have a heart attack.” Rorrer was given a break and allowed to plead to only one strike as well as to a misdemeanor domestic violence count. He was sentenced to 2 years in state prison. While on parole for that offense, he committed another residential burglary, his second strike, and was sentenced to 4 years in state prison in 2007. While on parole for that residential burglary, Rorrer was convicted of receiving stolen property when he was found to be selling property that was stolen in a residential burglary. He was sentenced to 4 years state prison for this last offense, which was his sixth prison commitment. Rorrer has had eight felony convictions and numerous parole violations throughout his criminal history. [Opposition Letter](#)

Xavier Ortiz (Case #14F06895) – In July of 2002, Ortiz and several friends went to the victim’s home to threaten him. The group had firearms in their possession and ordered the victim to come out of the home. The group yelled at the victim’s parents that they were going to kill them and their son. The group left after the victim’s parents repeatedly told them that the police were on their way. Ortiz pled to a felony. In March of 2006, Ortiz went to a family member’s home and demanded entry into the residence. When the family member refused, Ortiz kicked in the back door to gain entry into the house. Inside the home, Ortiz held the victim down by the throat and repeatedly told him he would kill him. Ortiz pled to making terrorist threats. Less than three months after this offense, Ortiz was arrested for participating in a drug trafficking organization. Ortiz pled to conspiracy to distribute methamphetamine for the benefit of his gang, a strike conviction, in February of 2007. Shortly after Ortiz was paroled, he was arrested for his committing offense. Officers found 13 grams of methamphetamine, packaging for narcotics, 39 tramadol pills, and more than \$1,200 in cash inside of Ortiz’s home. The meth was located in a kitchen drawer, which was easily accessible to Ortiz’s children. Ortiz pled to felony possession of narcotics for sale and was sentenced to 4 years in state prison. [Opposition Letter](#)

The Early Prison Releases webpage can be found at www.sacda.org/early-prison-releases.